

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DELANO CONNOLLY,

Plaintiff,

-against-

THE CITY OF NEW YORK, JOSEPH CARDIERI, PAUL  
SAVARESE, IAN SANGENITO, ALAN SPUTZ, SUSAN  
STARKER and FREDDA MONN,

Defendants.  
-----X

**DEFENDANTS' NOTICE OF  
PARTIAL MOTION TO  
DISMISS THE COMPLAINT**

16-CV-00465 (WFK) (VMS)

**PLEASE TAKE NOTICE** that upon the Memorandum of Law in Support of the Defendants' partial motion to dismiss the Complaint dated September 30, 2016, and upon all the papers and proceedings previously had herein, Defendants will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, before the Honorable William F. Kuntz, II, United States District Judge, on a date and at a time to be designated by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Complaint in part on the following grounds: (1) any alleged discriminatory conduct that occurred before August 31, 2011 and any alleged retaliatory conduct that occurred before November 20, 2013 are time-barred; (2) the plaintiff fails to plead a plausible claim for retaliation because he has not established a causal connection for his retaliation claims; (3) the plaintiff's § 1983 claims are time-barred as most, if not all, of the alleged § 1983 claims accrued prior to January 28, 2013, three years before the commencement of the instant action; (4) plaintiff's second, fourth, seventh, eighth, tenth, fifteenth and sixteenth causes of action are identical to the causes of action asserted in plaintiff's 2013 action currently before the Supreme Court of the State of New York and therefore, this Court should abstain from

hearing those claims and (5) plaintiff's City Human Rights Law discrimination claims that relate to the complaint of Stacy Schechter are time-barred.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Rule 12 of the Federal Rules of Civil Procedure, in the event that this motion is denied, in whole or in part, the Defendants respectfully request 30 days from docketing of the order denying the motion in which to answer the Amended Complaint.

**PLEASE TAKE FURTHER NOTICE** that opposition papers were served on September 1, 2016 and a reply memorandum of law was served on September 30, 2016.

Dated: New York, New York  
September 30, 2016

**ZACHARY W. CARTER**  
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City of New York  
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By: /s/ Eric Murrell  
Eric Murrell  
Assistant Corporation Counsel

cc: Michael O'Neill (**by ECF**)  
Benjamin L. Federici (**by ECF**)  
Attorneys for Plaintiff

Honorable Vera M. Scanlon (**by ECF**)  
United States Magistrate Judge

Docket No. 16-CV-0465 (WFK) (VMS)

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Plaintiff,

-against-

THE CITY OF NEW YORK, JOSEPH CARDIERI,  
PAUL SAVARESE, IAN SANGENITO, ALAN SPUTZ,  
SUSAN STARKER and FREDDA MONN,

Defendants.

**DEFENDANTS' NOTICE OF PARTIAL MOTION  
TO DISMISS THE COMPLAINT WITH  
MEMORANDUM OF LAW IN SUPPORT**

***ZACHARY W. CARTER***

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Attorney for Defendants  
100 Church Street – Room 2-140  
New York, New York 10007-2601*

*Of Counsel: Eric Murrell  
Tel: (212) 356-4083  
Matter No.: 2016-003343*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2016*

*.....Esq.*

*Attorney for*